to a million dollars, Mr. Morawetz said he had seen that statement in newspapers and had written to learn the facts. He was assured that that statement had been given to the newspapers by an attorney hostile to als company, and that the statement that such facts had been shown in evidence was without foundation.

Mr. Carmack wanted to know whether he witness was sure that the rebates had not been given or merely was sure that they had not been shown in evidence. "I am satisfied," he replied, "that there is no truth whatever that rebates were paid

as charged." The witness was satisfied that Congress has the power to fix railroad rates, and he believed that an act empowering a commis-sion to fix rates so long as they are not confiscatory would be held to be constitu-He did not think it would be right nor legal to have the commission declare that a railroad company should not earn more than 7 per cent or any other rate of

A Commission to Fix Rates.

Senator Clapp questioned the witness carefully as to the probable legality of various plans for empowering a commission

to fix rates. Mr. Morawetz believed that a court in declaring what rate is unreasonable would determine what rate would be reasonable, that way the railroads would, he belleved, be guided by the decision of the court in the future, and that it would charge the rate declared to be reasonable. He felt sure that they would follow that

The definate fixing of rates by a commission, he said, would make it imposs the roads to give any elasticity to the rates

to meet changing conditions. Mr. Clapp asked what objection the courts would see to have the interstate commerce commission decide these cases, and to have the powers of prosecutor lodged in some other t. bunal. He replied that he thought that would only cause delay as the verdict of the com-

sion could not be final, but would have to be passed on by a court. During the hearing a photographer came into the committee room with his comera and at 1 o'clock Chairman Elkins said that if no member of the committee objected

the committee would be photographed.
Objection was made and the committee adjourned for luncheon. Reasonableness of Rates.

When the committee reassembled at 2

o'clock Senator Carmack questioned the witness: "I want to ask you what is the difference

between an unreasonably low or confiscatory rate and an unreasonably high or extertionate rate. Is not any rate above "It is very difficult to say," replied the witness. "But the courts have undertaken to state what an unreasonable rate is." Between the extremes of a confiscatory and an extortionate rate, he said, there might be any one of a dozen rates that could be considered reasonable.

Speaking of differentials given to different ports by rallroads, Mr. Morawetz said that while individuals may make rates giving an advantage for one port over another. Congress is prohibited by the Constitution from doing the same thing by law. Congress could appropriate money for the improvement of a harbor and in that way give that port an advantage, but Congress could not, through a commission, fix rates that would give one port advantages over another. That would be in violation of the Constitution.

If Congress should regulate the rates it would have to see, not only that the rates should not be too high and extortionate, but also that they should not be too low. not only to avoid making them confiscatory but to avoid giving one port an advantage over another. 'If rates shoould be established in this

country," Mr. Morawetz said, "strictly ac-cording to distance the result would be to destroy three-quarters of the industry of this country, and in that way this whole question would be settled."
"You don't believe in settling them that way?" queried Mr. Carmack.

'I do not," replied the witness. "If Congress should pass a law making the rate on grain from Chicago to New York 15 cents and from Chicago to Baltimore 12 cents, would that be a violation of the provisions of the Constitution?" asked Mr. Carmack.

"If you should amend that question," he replied, "and make the rate to Liverpool I would say yes it would be a violation. Stopping at the seaport towns there would then be the question of the difference in cost of getting the freight through the ports and there would be a difference in ocean rates. But if the rates were direct to Liverpool, then it would be clear that the three cents difference in favor of New York would be equivalent to a direct bounty in favor of shipping by New York."

TROUBLE OVER A DAM.

Bill Introduced to Prevent Bloodshed in Wisconsin.

MADISON, Wis., April 19.-To avoid possible bloodshed at the Thornapple River dam in Chippewa county, where John Dietz is holding up by force millions of logs of the Chippewa Boom and Log Company, a bill was introduced in the assembly today repealing the act for the establishment of the dam. Many armed men are on the scene, but it is hoped the bill introduced to-day may solve the difficulty.

A bill was introduced to tax telegraph and telephone companies on an ad valorem ba-sis, instead of by the license system.

OFFICERS ELECTED.

Final Session of the Junior O. U. A. M. at Hagerstown.

Special Dispatch to The Evening Star. HAGERSTOWN, Md., April 19.

At today's session of the State Council, Jr. O. U. A. M., the following state officers were elected: Councilor, J. H. Smith, Cecil county;

vice councilor, George A. Davis, Baltimore; assistant state secretary, W. H. Frizzell, Baltimore; treasurer, W. L. James, Baltimore, who has served eleven years. The vote for the balance of the candi-

dates has not been counted, but indications point strongly to the election of the fol-lowing: Station conductor, J. W. Cower; warden, Eugene Worthington; inside senti-nel, James Garfield; outside sentinel, T. W. Pruitt; chaplain, H. L. Mennerick; national representatives, Frank McClure, Thad A. Wastler. Westminster was selected as the next

place of meeting.

A resolution to hold a demonstration or September 12, in Baltimore, in celebration of Old Defenders' day, was unanimously

Adjournment of the council this evening will be followed by a banquet tonight.

THE SMITH LETTERS.

District Attorney's Office Insists Upon Retaining Them.

NEW YORK, April 19.—Assistant District Attorney Gans told Justice Gaynor in the New York state supreme court in Flushing today that it would defeat the ends of justice and reveal to the defense the resources of the presecution in the trial of Nan Patterson for the murder of Caesar Young if District Attorney Jerome were compelled to surrender the letters and documents taken from Mrs. J. Morgan Smith when she was

Counsel for the Smiths asked for an order for the surrender of the papers, and Justice Gaynor suggested that they be given to the clerk of the court so that both sides could have access to them, but Mr. Gans objected. The court then reserved decision

Col. Hopper of Columbus Dead. COLUMBUS, Ohio, April 19.-Col. George

H. Hopper, manager of the Niel House here for the past three years, died today from the effects of a paralytic stroke. He was well known throughout the notel world.

Loeb Off on Horseback.

NEW CASTLE, Col., April 19.-Secretary Loeb left here today for President Roose yelt's camp. The trip, which will take about five hours, will be made on horse back. It was raining hard here, and snowing heavily on the mountains today.

Hot ashes thrown in a barrel caused a

NAN PATTERSON TRIAL

AQUEDUCT RACE TRACK.

Entries for Tomorrow's Events-Some

Fine Sprinters.

AQUEDUCT, N. Y., April 19.-First race,

four-years-olds, selling; four and a half

furlongs-*Rickey, 100; Carmagnole, 108;

Sixth race, maidens, two-year-olds; four

Third

furlongs-Queen Florentine, 105; Third Mate, 108; Carmagnole, 108; Just, 108; Man-

dina, 105; Fast Flight, 108; Prospero, 108

Cracksman, 108; Mark Meddle, 108; Cold

First race-Maiden 2-year-olds; selling; four furlongs. Purnett, 10 to 1 and 4 to 1,

first; Superior Boy, even place, second Tangier, third. Time, :49 2-5.

THE PIMLICO RACES.

Entries Reputed for Tomorrow's Events

-A Strong Card.

PIMLICO, Md., April 19.-First race, four-

year-olds and upward; non-winners except

at Hunt Club meetings and county fairs;

one mile-My Mate, 101; Temerity, 107; Lit-

tle Ceta, 101; Seventh Ward, 103; Derussy,

101; Harassing, 107; Ogress, 105; King Al-

Second race, for three-year-olds and up-

ward; six furlongs-Little Woods, 93; Mon

Amour, 90; Monadnock, 106; Yorkshire Lad,

Third race, for three-year-olds and up-

ward; one mile-Weirdsome, 107; Reliance, 107; James F., 107; Waddell II, 97, and Fair-

Fourth race, for two-year-olds; selling;

half a mile—Lady Chiswick, 94; I Told You, 102; Bonnet, 99; Sideview, 101; Aurora Borealls, 99; Samuel R., 107; Barberloot, 104; Lady Stewart, 100; Little Rose, 108, and

Fifth race, handlcap for three-year-olds

and upward; five and a half furlongs—Limerick, 84; Hazel Baker, 96; Ruby Hempstead, 103; Bobbie Kean, 109; Royal Window, 110; Tenny Belle, 100; Lord Aintree, 95.

and Peter Paul, 120. Sixth race, three-year-olds and upward;

skill race, three-year-olds and upward, selling; one mile and sixty yards—Tootsey Mack, 103; Establish, 108; Nine Spot, 108; Winchester, 100; Fritzie Scheff, 84, and Woodshade, 103.

Gen. Chaffee's Departure Postponed.

Owing to a press of official business, Gen.

Chaffee, chief of staff, has been compelled

to postpone his departure for the southwest

until tomorrow afternoon. He will be ac-

Capt. Hutcheson of the general staff.

been announced as follows:

of supplies and accounts.

companied by Qm. General Humphrey and

Navy Department Changes.

Changes in the navy department have

Appointments-W. F. Condon, copyist at

\$720 per annum, office of naval war records.

Promotions-W. Parry, from copyist at

Resignations-Robert H. Reineck, drafts-

man at \$1,000 per annum, hydrogaphic of-

fice; J. M. O'Shea, jr., copyist at \$720 per

annum, office of naval war records: R. B.

Lambert, clerk at \$1,100 per annum, bureau

NOTED MASON DEAD.

Special Dispatch to The Evening Star.

hert 103 and Eight Dollars 110

96, Shimmer, 108, and Elegant, 91.

Barge, 108: Ferroniere, 105. Weather clear, track fast.

abash, 103; Dreamland, 105.

ond Light, 91.

Father Barred From His Old Seat by Prisoner.

WOMEN THRONG HALLS

RECORDER DECLARED JURY BOX MUST BE FILLED BY NIGHT.

Court to Adjourn This Evening Until Monday for the Easter Holiday Season.

NEW YORK, April 19 .- With three of the twelve men who are to determine her fate seated in the jury box, the trial of Nan Patterson for the murder of "Caesar" Young was resumed in the court of general sessions today.

In her previous trials the young prisoner has had the comforting presence of her aged father to cheer her through the long hours in the court room, but today she sat alone, save for her counsel, within the bar inclosure.

It had been expected that the father would occupy his accustomed place at this trial, but there was no room for his chair beside his daughter.

The old man was in the court room, however, occupying a seat well back among the talesmen who were awaiting the call for At the opening of the proceedings today

Recorder Goff informed the lawyers that he wanted the jury box filled before adjournment for the day and that the court would adjourn this evening until Monday. Special Dispatch to The Evening Star. NEW YORK, April 19.-Nan Patterson

gowned in a simple black dress, fresh and eager-eyed, took her accustomed seat beside her lawyers at the counsel table in the general sessions court at 10:30 today. Her father, barred from his old seat at her side, sat beyond the rail. Nan flashed a smile at him as she passed. After greeting her lawyer her eyes turned toward the jury box.

In the corridors great throngs had gath ered, the women almost outnumbering the ien, but the majority were refused admittance, the court room being reserved Recorder Goff announced at the opening

rial today that the jury box must be filled before adjournment this evening.
"This court will adjourn today until Monday," he said, "and I wish to have the jury completed before adjournment." A recess of four days is taken because of the Easter holidays.

LOOKING UP AN ESTATE.

Anxious Relative of Dead Man Who Died in Asylum.

NORFOLK, Va., April 19.-Publication in Philadelphia of an Associated Press dispatch from Norfolk stating that Thomas Yandaw, formerly a conspicuous figure in Norfolk, who died two years ago in the Eastern State Asylum at Williamsburg, Va., was the heir of the larger portion of a California estate worth upward of \$1,500,000, brought to Norfolk today a letter from Mrs. Anna R. Lupton of 368 Ellison street, Paterson, N. J., who says she is a cousin of Yandaw and the last member of one branch of the old Yandaw family.

Mrs. Lupton says she heard from Yandaw three years ago, but that the letter and other valuables were destroyed in the Paterson fire, and since then she had lost trace of the Norfolk man. The Paterson woman requests the name of the California and requests the name of the California and Norfolk lawyers interested in the Yandaw estate, and these will be sent her at once

When Man is Disease Proof. From the Philadelphia Record.

begin to live on M. Berthelot's tabloids and

be pulled out in early life and the germ-

proof store variety inserted. The failing

numan eye will be anticipated by spectacles

in early youth. Deficient moral sense and degeneracy will be treated by ventilation

of the brain and removal of the offending

Thus protected against the perils of civi-

lization, the man of the coming centuries will be able in his journey through life to

defy the countless enemies that seek to rob him of health—sans teeth, sans eyes, sans

More Cotton?

The card from Mr. A. W. Brabham of

commended to the attention of South Caro-

lina farmers, merchants and bankers. Mr.

to be presumed that he has evidence to

caore cotton this spring than ever before.

cotton will be planted and that nothing

proverbial disaster can prevent a fourteen to fifteen million bale crop. He declares

that comparatively few farmers have taken

the pledge to reduce acreage and that a panic may be expected next winter when cotton drops to 5 cents.

Success of Liquid Fuel.

A successful method has finally been in-

vented for injecting liquid fuel into the

furnaces of passenger boats. The fuel is

brought under a pressure of from ten to

twenty pounds to the square inch and

evaporated by a somewhat modified "Kort-

ings" burner, without use of steam. This

apparatus works very satisfactorily, with-

out noise and without the loss of fresh

water. Formerly the liquid fuel was in-

jected into the furnaces by means of a

steam jet, making very much noise, a

great inconvenience, annoying to the pas-

sengers and causing the loss of much fresh

water in the form of steam. A suitable

furnace arrangement, recently invented

also, guarantees proper and perfect burn-

ing of the fuel, so that very little smoke

escapes from the funnel, steam is kept

regularly at the same pressure during the voyage, and the boiler is kept at a uniform temperature, thus preventing much trouble from leakage and other damage.

First Patent in China.

The Chinese government, according to

German papers, has granted its first pat-

ent. It is for an electric lamp, the inven-

tor of which is an inhabitant of Nankin,

the old capital of the Chinese empire,

who calls his lamp the "bright moon-light," and asserts that it is far superior

From the Chicago Journal.

taste, sans everything.

From the Columbia State

The too readily decaying teeth will

pills.

Death of Henry G. Thayer at Ply-It has already been suggested that the mouth, Ind. appendix should be removed from every in-

bureau of construction and repair.

LAPORTE, Ind., April 19.-Henry G. fant as a routine measure. But this is clear-Thayer, seventy-three years old, a promily insufficient, says the British Medical nent Indiana republican and Mason, is dead Journal. The surgery of the future must at his home in Plymouth, Ind. Mr. Thayer include far more than this. The tonsils and was a grain dealer, bank director and manturbinate bones of the nost must be cut ufacturer. He had served as a member of out, because they may harbor germs. What the republican state central committee, and Arbuthnot Lane calls the "human cessdirector of World's Columbian Exposition peol" (that is, the large intestine), must be removed along with a considerable part of the upper portion of the alimentary canal, because it won't be needed when we from Indiana.

He was sovereign grand inspector of 33d degree, and honorary member of the Supreme Grand Council of the Scottish Rite for the northern jurisdiction of the United

He was also grand marshal of the General Grand Chapter of the United States, Order of the Eastern Star, and honorary member of Ebor Preceptory, York, England, the home of Freemasonry.

TO CONVENE AT NORFOLK.

Annual Meeting of the Southern Grocers in June.

NORFOLK, Va., April 19.-Norfolk will secure the annual meeting of the Southern Wholesale Grocers' Associattion, to be held June 5, 6 and 7. President J. A. Van Hoose of Birmingham, Ala., has intimated Olar, Bamberg county, printed today, is to the Wholesale Grocers' and Tobacconists' Association of Tidewater, Va., that Japan. Brabham is, according to his own descripthe southern body, which has been meeting heretofore at south Atlantic ports, would tion, a "plain, blunt farmer," and it is be pleased to come to Norfolk this year, and the local organization will at once seek sustain his belief that farmers are planting the co-operation of other business bodies with a view to securing the southern meet-Our correspondent is of opinion that the ing, which will bring over 500 wholesale farmers are certain to do that which the farmers are certain to do that which the state two months ago expressed the fear they might do—namely, each plant a big crop in expectation of bigh prices caused by a reduction of acreage by all other farmers. Mr. Brabham, himself a farmer and fully appreciating the effect of such a suicidal course, is confident that it is being generally followed; that 35,000,000 acres of cotton will be planted and that nothing but men and jobbers here The idea is to hold the convention either at Ocean View or Virginia Beach,

TUBERCULOSIS LEAGUE.

Reading of Interesting Papers Continued Today at Atlanta.

ATLANTA, Ga., April 19.-American Anti-Tuberculosis League decided today to hold cluding the lottery act, and that this cause its next-annual meeting at El Paso, Texas, at a date to be selected later. The election of the chief officers resulted in the selection of Dr. R. E. Conniff of Sioux City, Iowa, as president and Dr. Walter N. Villas of El Paso as secretary.

A vice president from each state will be chosen later. The reading of papers was continued today, absence of several speakers necessitating reading by title only. Among exceptions to this rule were papers of Dr. Henry O. Marcy of Boston and of Dr. J. A. Riviere of Paris, which were read at length. The conclusions of Dr. Riviere's discussion

were the following: The powerful physical agents, air, light, water, heat, electricity, movement, ozone, oxygen, X-rays and actinic rays, are not only prophylactic means of the first order, when confirmed.

To attain the end in view it is necessary to abandon the idea of the sanitorium which places the patient in such defective moral surroundings that the benefit he might derive from the air and the light is diminished in a very considerable degree.

Divulgation of the rudiments of hygiene in the schools, workshops and all resorts of

the people.
Establishment of a stricter and more regular control of the measures taken in this respect by the municipalities or by the state with regard to these schools and workshops and regulations imposed, in addition, to se-cure greater breathing space and a wiser planning of dwellings and buildings in gen-

Admiral Casey Visiting the City.

COUNSEL'S STATEMENT

CONCERNING THE SYNDICATE TRANSACTIONS.

*Special License, 103; *All Pink, 103; Commodore Fontaine, 108; *Jessamine, 100; Cal-NEW YORK, April 19, 1905. Samuel Untermyer, counsel for Mr. Hyde, Second race, one-mile handicap-Leonidas, made a statement today concerning the 112; Floral King, 118; Witful, 105; Jacquen, "James H. Hyde and associates" syndicate 110; Grenade, 107; Ocean Tide, 98; Santa Catalina, 102; Kohallian, 100; Amberjack, transactions. Mr. Untermyer said, in part:

Catalina, 102; Kohailian, 100; Amberjack, 30; Crown Prince, 110.
Third race, six furlongs. Divination, 106; *Southern Cross, 106; *Kinp Pepper, 103; *Allinda, 99; Arsenal, 108; *Prenta, 105; *Whorier, 107; *Emergency, 109.
Fourth race, the Peconic handicap, seven furlongs—Sinister, 112; Trapper, 113; Belle Strome, 105; Buttling, 107; Diamond Flush, 107 "These transactions tell their own story of the equal interest and participation of Mr. Alexander. The transactions were entirely legitimate and there is no just ground for criticising Mr. Alexander or anybody else for being interested in them. "There were other like operations of this same syndicate, such as the international Fifth race, six furlongs; selling (11)—
*Bizzy Izzy, 91; J. A. Warner, 112; Wizard,
110; *Miss Bessie, 92; Hawtrey, 106; *Oleroso, 88; *Explorer, 110; *High Life, 86;
Allright, 110; *Water Mirror, 98, and *Second Light, 91. marine, in which the syndicate members lost their money and in which the society

took no participation." After calling attention to the dates of the hecks sent Mr. Alexander by Mr. Hyde from July, 1902, up to this year, Mr. Untermeyer said:

No Moneys Returned.

"Mr. Alexander does not claim to have eturned any of the moneys received from these transactions except as to those received in January, 1905, although they were all of the same general character and were Second race, handicap, 5 furlongs—Race King, 8 to 1, and 5 to 2, first; Jerry C., 2 to 1 place, second; Workman, third. Time, 1:01 4-5. paid to him by checks signed James H. Hyde (syndicate account).

"Even the check of January 11, 1905,, for \$28,266.81 was deposited by Mr. Alexander to the credit of his own account at the Bank of Commerce. No notice has ever been given to anybody that this check or its proceeds were ever turned over to the Equitable Society or that Mr. Alexander had any doubt of his right to keep the money which he had taken and put into his own account.

About the Checks.

"As to the previous checks, he does not apparently claim to have done so. A's to the last payment on January 23 of \$12,-523.73, the proceeds of which are now said to have been handed over by Mr. Alexander to the cashier or the trustee account of the society, it would be interesting to know when that was done.

"If the assertion of Mr. Alexander that he did not during all these years that he has been president know the sources from which his private bank account was being replenished by these large checks, is to be taken seriously, his absence of curiosity on the subject is at least remarkable. It would be interesting to know whether in the in-stance in which Mr. Alexander lost money in the syndicate he ascertained on what particular transactions the losses were made before paying them." Fortunate for Hyde.

"It is fortunate for Mr. Hyde that this nuge conspiracy against his reputation and his property is to be dragged into the searchlight of publicity.

"It started by masquerading in the sham form of 'mutualization,' but its real purpose is at last apparent and its hideous-ness may be seen of all men, stripped of all cant-it is nothing more than a sordid at-tempt to destroy the property of the young nen whose interests have been confided to is trustees.

"But these gentlemen have reckoned without their host. Mr. Hyde has done no wrong. Nobody can point out a single transaction that is subject to just criticism. And so he proposes to stand his ground like a man in the defense of the honored name bequeathed to him by his father."

ALLEGED UNLAWFUL SALE. Hotel Proprietor Appeals From De-

cision of Police Court. Joseph Schladt, proprietor of the West

End Hotel, on 32d street, Georgetown, was \$720 to copyist at \$840 per annum, bureau of navigation; E. W. Collamore, from copythis afternoon convicted by a jury of unist at \$900 to clerk at \$1,000 per annum, lawfully selling liquor on Sunday at his notel. The jury was out about half an hour.

Sergt. Schneider of No. 7 station made the case against the defendant by going to the hotel on Sunday, October 23, and procuring liquor of a servant in the hotel. Attorney Henry E. Davis, for the defense made a long argument, contending that the principal was not responsible for the acts of his servant, who had been told not to ell liquor on Sunday.

Judge Kimball instructed to the contrary When the verdict had been rendered Mr. Davis gave notice of a motion for a new trial.

COUNT CASSINI'S SUCCESSOR.

Report That Baron Rosen Will Be the Russian Ambassador.

Nothing is known at the Russian embassy in this city as to the correctness of the press dispatch from St. Petersburg to the effect that Baron Rosen, ex-minister to Japan, is to succeed Count Cassini as Russian ambassador to the United States.

Baron Roman Romanovitch Rosen, state councillor, chamberlain of the imperial court and a knight of the Orders of St. Vladimir, St. Ann and St. Stanislas, belongs to an ancient baronial family of Russia. The baron is an accomplished scholar and a talented musician. He speaks English, French, German Italian and Japanese, as well as Russian. His wife, Baroness Elisabeth Alexeevna Rosen, is the daughter of Gen. Odintzoff, who was for many years governor general of Nijni-Novgorod.

Baron Rosen has been for many years in the foreign service of Russia. He was charge d'affaires in Tokyo, and later became consul general in New York, which post he held from 1882 to 1894. In 1903 he was sent as minister to Tokyo, where he re mained until the outbreak of the war with

CONTROL OF CANAL ZONE.

Effect of Failure of Congress to Legislate on the Matter.

The Attorney General's views on the effect of the fallure of Congress to legislate on the canal zone question during the last session are outlined as follows:

"The court will note that section 2 of the

act of April 28, 1904, limited the express late David Sinton, was a liberal supporter grant of authority to the executive until of the Bethel. the expiration of the Fifty-eighth Congress. But the court will also observe that the isthmian commission enacted its laws, inof action arose long before March 4, 1905. "It does not follow, however, that Congress by its inaction and failure to legislate further, intended to withdraw the authority conferred, or meant or thought the fell to the ground on March 4, 1905. What-ever may have been the reasons of Congress for failing to re-enact or complete its legislation, the proper presumption is that it was of opinion that the power conferred upon the President was ample and con-tinued until it should otherwise direct, and that it rested content on the knowledge that until it should otherwise direct, the existing temporary government survived and went on to perform its functions and duties as already marked out. The Secretary of War on March 6, 1905,

cabled to the governor of the canal zone that the administration of government there would continue as before. The principle is but also, judiciously handled, they exert an indubitable curative action in the disease ary and provisional in character, her its ary and provisional in character, has its origin in lawful authority, it continues to enforce law and order and serve the usual purposes of civilized institutions until it is legally displaced. This principle arises ex necessitate, and means that anarchy ex necessitate, and means that shall not follow because there has been a legislative omission or failure to proprinciple must be equally applicable whether the original rightful authority was an exercise of the war power or whether it rested, as here, upon temporary and provisional laws of Congress."

The annual meeting of the Southern Newspaper Publishers' Association will be held in Charleston, S. C., May 2 and 3. Over one hundred representative publishers are expected, and the sessions will be in-teresting and pleasant. Charleston commitblaze at the house of William F. Carter, and asserts that it is far superior to foreign glow lights that hitherto have been necessary to inform all the powers france desired to maintenance of the company went to the company went to the company went to the street southeast, yesterday afternoon. No. 8 engine company went to the company was caused among federal to it would have been necessary to inform all the powers france desired to main the company was caused among federal to it.

A sensation was caused among federal to it.

The company was caused among federal to it.

The compan

VERDICT OF ACQUITTAL.

Hotel Keeper Exonerated from Charge William W. Hamilton Again Convicted of Unlawful Sale of Liquor.

Carl Heurich, who keeps a hotel on Wisconsin avenue above Tenleytown in the District, was acquitted by a jury in Police Court this morning of the charge of unlawful sale of liquor. Judge Kimball directed the verdict of "not guilty" at the close of the government's case on the motion of the attorney, Preston B. Ray, for the defendant. It was charged in the information that Heurich had unlawfully sold liquor Sunday, July 24.

The evidence in the case showed that the defendant kept a hotel and that he had a hotel license. Under this he could sell liquor Sunday with meals to bona fide guests of the hotel. Sergeant Harry, 'who made the arrest, stated that he went to this place on the particular Sunday in question; that he heard the cash register at the bar ringing and that a waiter was behind the bar; that he saw several persons on the porch drink-ing what looked like beer, but he could not see whether or not these people had food on the tables with them. He was the principal witness for the government, and other witnesses proved nothing more definite. Judge Kimbali, in directing a verdict of equittal, made an exposition of the law, stating that it must be shown that liquor was actually sold to people not guests of the hotel on that day. The evidence of the District was lacking in not showing actual

His honor pointed out that the cash regis ter might be rung in taking care of the business of the hotel outside of the bar.

TAXATION OF FRANCHISES. Ex-Secretary Root Argues in the Supreme Court.

The argument in the special franchise tax cases from New York was closed today in the Supreme Court of the United States. Former Secretary of War Elihu Root made the closing address in the case of the Metropolitan Company, opposing the enforce-

ment of the law. "Our proposition is," he said, "that the requirement binding the company to pay a percentage of its receipts is a contract. and that under it the state cannot increase the taxation." Rights of this character were like licenses to sell liquor and in no sense like real property. He contended that they are too intangible for taxation.

"We concede the right of the legislature tax corporations," he said, "but we demand that they apply to us no more oner-ous rule than is applied to others in the same class, and we say that there has bee gross and conspicuous discrimination in this matter. Mr. Root was followed by Attorney Gen

eral Mayer and Attorney Louis Marshall in support of the tax. Deputy Attorney Gen-eral McGuire was present in an advisory capacity, but did not speak. Mr. Mayer devoted himself to a detailed reply to Mr. Root. Mr. Marshall took up the various de-

cisions bearing on the question of the im-pairment of contract and argued that on inspection of the several franchises it was apparent that no exemption from future taxation was either expressed or implied in any of them, and called the attention of the court to many decisions not only of the state courts but of the Supreme Court to the effect that where an examption from tax is claimed it must appear in the charler in clear and unmistakable terms; that it ould not be spelled into by inference; that all the grantees took their charters in view of the constitutional provision of the state of New York which gave the legislature the right to amend or modify any franchise granted to any corporation, and even though it should be claimed that payments agreed to be made by the several corporations to the muncipality were in the nature of a tax, the legislature had the right to change or modify and bring the special franchise within the taxing power.

HEALTH OFFICE STATISTICS.

Nineteen Deaths From Consumption 14 From Pneumonia, Last Week.

There were 19 deaths from consumption in the District of Columbia last week, while 14 deaths were charged to pneumonia, according to the weekly report of the health officer, issued today. Other fatal diseases were: Of the heart, 10 deaths; of the kidneys, 10 deaths; scarlet fever, 1; diarrheal, 3, and apoplexy, 7. There were no deaths by suicide.

The changes in the contagious diseases were as follows: Diphtheria shows the same number of cases in quarantine as at the close of the previous week, there being 4 new cases reported and 4 discharged. leaving a total of 13 in quarantine.

Scarlet fever shows an increase of cases, 9 new cases being reported and 2 discharged (one by death), leaving 39 cases Typhoid fever shows an increase of three over last week, seven new cases were re-ported and four discharged, making a total

of thirty-nine cases under treatment. Smallpox shows a reduction of one case there being one patient discharged from the smallpox hospital, leaving two cases still in quarantine in that institution. The number of births reported during the

week just ended were 119, of which 73 were white infants and 46 colored. The deaths numbered 108, as compared with 123 during the previous week and 111 during the corresponding week of 1904. these, 67 were among the white inhabit-ants and 41 among the colored, and represent a death rate per 1,000 of the popula-tion of the former of 16.3 and of the latter 22.9. The death rate for the entire population of the District of Columbia during the week just ended was 18.3 per 1,000. The respective rates for the previous week were 17.3, 29.1 and 20.8, and for the corresponding week of 1904 17.4, 23.3 and 19.2.

Rich Gift to Bethel Mission.

CINCINNATI, Ohio, April 19 .- Mrs. Charles P. Taft has purchased and presented to the Union Bethel of this city the five-story brick building formerly occupied by the Bartholomew School for Young Ladies. The work of the Bethel will be centered in the new building within a few months. Railroad terminal extensions had encroached on the neighborhood of the old Bethel to such an extent that a change be

Passed Through Five Miles of Ice. SAULT STE MARIE, Mich., April 19 .-

came necessary. Mrs. Taft's father, the

The ice crusher Algomah, which was brought here from Mackinaw to raise the ice blockade in the St. May's river, has forced a passage through about five miles of ice, and it is expected that the work will be completed in a few hours. A fleet of twenty-five boats, which were released from the ice blockade at the straits of Mackinaw yesterday, arrived today, increasing the icebound fleet here to over 100 The steamers Hutchinson and Sultana are today reported to be out of fuel. They have both been in the ice since April 8.

Will Cut Lake Rate.

DETROIT, Mich., April 19 .- Superintendent A. 'A. Schantz of the Detroit & Cleveland steamer line, announced today that his line will cut the rate between Cleveland and Toledo to \$1.25 this season to meet the competition of electric lines.

Delcasse's Reply to Criticism. PARIS, April 19.-Replying in the cham-

ber of deputies today to criticisms of French policy in Morocco, Foreign Minister Delcasse said he had always been ready to entertain propositions for the solution of difficulties in connection with the foreign policy of France. In reference to Morocco he had informed the German ambassador here and the French ambassador in Berlin that France was prepared to discuss and clear up any misunderstanding that might arise. M. Delcasse added:

"The principle of freedom of trade with Morocco is assured for all nations."

Premier Rouyler said if France had notified Germany of the angle-French conven fied Germany of the anglo-French conven-tion it would have been necessary to in-form all the powers France desired to main-tain friendly relations with Germany, so France took the initiative in the negotia-

GUILTY AS INDICTED.

The jury in the case of William W. Hamflton, colored, tried in Criminal Court No. 1 for the alleged murder of Lizzie Lyman last June, retired shortly after 12 o'clock this afternoon, and just before 3 o'clock returned a verdict of guilty as indicted. This is Hamilton's second conviction.

GESSLER ROSSEAU'S CASE.

Commission Appointed Today to Inquire Into His Sanity.

NEW YORK, April 19 .- Recorder Goff, in the court of general sessions today, announced that he had appointed a commission to determine the mental condition of Gessler Rosseau, the man who was convicted three weeks ago of sending an explosive contrivance to the Cunard steamship Umbria in May, 1903. Rosseau is now awaiting sentence to the Tombs.

The commission is made up of Dr. Carlos F. McDonald, Dr. Alexander M. Hadden and former Justice D. Cady Herrick, and was appointed upon the receipt of a report recorder by expert criminologists, who have kept Rosseau under examination

since his incarceration.

Should the commission determine that Rosseau is insane he will be committed to the Mattewan asylum. Should it find the prisoner to be sane he may be sentenced to prison for a term of thirty years. During his trial Rosseau confessed that he attempted to blow up the statue of Frederick the Great at Washington several months ago.

THE COST OF GOLF. A Few Figures to Show What We Are Putting Into the Game.

From the Tattler. That golf is the most fascinating game in the world most women know by this; that it is also the most expensive may be interesting news to some of them. According to the statistics in an American newspaper, it would appear that no less than \$50,000,000 is yearly spent on the invigorat-

ing pursuit. To begin with, there are 879 golf clubs in England, 769 in the United States, 632 in canny Scotland, 134 in Ireland, 43 in Wales and 263 in different parts of the continent. There are, all told, probably no fewer than 3,000 organizations devoted to golf-playing. These clubs, counting their grounds, buildings and preliminary expenses, represent a permanent investment of \$40,000,000 or \$50,000,000, and comparatively few of them can be run at a yearly expense of less than \$5,000.

The average membership is about 200, and the average yearly subscriptions of these 600,000 golf-players amounts to nearly \$25,000,000. Each of the players is equipped with an outfit that costs on an average about \$20, and the yearly purchase of goif clubs all over the world amounts to several thousand dollars.

THE GRAY "TUXEDO."

The Proposition to Change the Color of the Dinner Coat. From the Chicago Chronicle.

From time to time many innovations have been suggested in the conventional evening clothes of gentlemen, but they emanated mostly from macaronis, exquisites and esthetics and were but the expression of the idiosyncrasles of their

One product of New York's upper crust undertook several years ago to supplant the customary evening suit of solemn black with a plum-colored creation which was at best but a ridiculous travesty of

court apparel. line attire originated with a lecturer on esthetics who proposed to substitute the silk-kneed breeches of court dress and the American colonial period for the conventional trousers. This exhibition of ventional trousers. This exhibition of perverted taste, with its suggestion of effeminacy, was received with scorn by the entire masculine contingent.

Of the many innovations suggested the only one that has met with approval and adoption is the dinner coat commonly mis-called the "Tuxedo." Its origin is in doubt, but is popularly supposed to have been suggested by the undress coat of army and navy officers, who constitute such a large part of American official society. It is now seriously proposed to change the color of the dinner coat to gray, and while the suggestion at first blush will be

generally opposed, a more serious consideration will show that it is not without In New York, where solecisms in dress and bizarre effects in clothes are of less common occurrence, of course, than in Cheyenne and Texarkana, there is a disposition to ridicule the idea and to refer to it as a western freak of fashion. However, the fact remains that the misuse of the so-called Tuxedo by New Yorkers is responsible for the suggestion. In the eastern metropolis the dinner coat has almost supplanted the evening coat. Although designed as a garment to be worn at informal dinners, stag gatherings

and at the club, where it is better adapted to lounging habits than the tail coat, it is now to be seen in New York upon every and all occasions. It is the prevailing style at the opera and is as much in evi-dence at a "four hundred" ball as a Tux-edo itself. Worn with an opera hat or a silk tile, it is as incongruous as if the wearer wore a tail coat and tan shoes. wearer wore a tail coat and tan shoes.

If fashion should dictate that gray supplant black as the prevailing color of the dinner coat the effect inevitably would be to banish the Tuxedo from all functions where it is now so obviously conspicuous. Another argument in favor of the change of color would be that inasmuch as near-sighted recole find it difficult to disting sighted people find it difficult to distinguish at any great distance between the tailless dinner coat and the Eton jactet

of the servants guests would not so fre-quently be mistaken for "waiters." Dogs of War.

From the Nineteenth Century. Two hundred dogs, chiefly sheep dogs, are at present attached to the German forces operating in Herrero land under Gen. von Trotha. One of them, Flock, has been sent home to Kiel invalided. He was wounded by a bullet in the engagement of Opajbo. while scouting in front of the skirmishing line. He displayed the greatest fearlessness under fire and worked faultlessly until disabled.

for reconnoitering purposes. They are attached to long ropes and well trained. The Russians are employing dogs for sentry and messenger work.

Capt, Persidsky of the late Count Keller's staff, writing from Odessa, says: "In find-ing the wounded men with which the millet fields are strewn nothing has succeeded like our seven dogs; their intelligence, espe-

The Japanese are using a number of dogs

cially the English bred ones, is extraordinary." I have been asked several times to supply dogs to the Russian army, and only quite recently was commissioned to purchase sheep dogs in the highlands for the German ambulance dog-training establishment. Perhaps instead of breeding and exporting dogs for foreign armies we may some day find our dogs of service to their own country.

Carnegie Did Not Say It. From the New York World. "I never said," declares Andrew Carnegie,

in an interview, "that to die rich is to die disgraced." George Washington did not live to repu-

diate the little hatchet. William Tell passed to his rest with no opportunity to turn from the mythical apple the arrow that was to go on saving Switzerland for ages. Jefferson did not ride on horseback to the Capitol to take the inaugural oath. Mr. Carnegie, living and able, meets common report before it has hardened into tradition and declares that the facts are otherwise. Yet his advantage over the heroes of history is a doubtful one. Protesting not 120 much, the ironmaster protests probably too late. The public will believe his denial and cling, nevertheless, to the ear-tickling

Revolutionary Agents at Work

INTERNAL DISSENSION

Among Troops.

INCENDIARY PRINTING

GUARDS FORBIDDEN TO READ SEDITIONARY LITERATURE.

Position of Terrorists Indicated by Plea of Man Sentenced for Sergius' Murder.

ST. PETERSBURG, April 19.—The circulation of the revolutionary literature among the troops throughout Rusisa has now spread to the regiments of the Imperial Guards and a general order has been issued to the guards forbidding them to "read proclamations thrust into your hands in the streets or in your lodgings or to listen to these allies of Japan."

The ministry of finance has assigned \$35,000,000 for new railroad construction in 1905

It is understood that the extension of the zemstvo system to Siberia will be followed by a similar extension to the Caucasus and Poland.

M. Stichlinsky, formerly chief adjutant of the Rusisan interior department, and M. von Plehve, the son of the late interior minister, have been made members of the Goremykin commission appointed to discuss questions relating to peasant tenure of lands.

Plea of Kaleieff, Sentenced to Death. ST. PETERSBURG, April 19.-The plea

at Moscow yesterday of Kaleieff, who was sentenced to death for the assassination of Grand Duke Sergius, that a state of civil war exists in Russia and that he was a prisoner of war and not an ordinary prisoner accused of a crime, is considered here to indicate the position which the terror-ists will assume hereafter. Naturally such a position is not acknowledged by the government, but the terrorists will persist in the fiction. Kalleff having been tried by a special commission of the senate, against which there is no appeal, will be hanged

probably within a fortnight. Only Means of Quieting People. VIATKA, European Russia, April 19 .-The local zemstvo has passed a resolution, which will be forwarded to the government, to the effect that the only means of quieting the people is to inaugurate immediately the promised reforms, namely,

the convocation of a representative assem-bly and the granting of liberty of the press and of meetings, etc. SERVICES HIGHLY VALUED.

No Truth in Story of Count Cassini's Transfer.

ST. PETERSBURG, April 19.-The report that Baron de Rosen, formerly Russian minister at Tokyo, will succeed Count Cassini, Russian ambassador to the United States, is not confirmed at the foreign office here. On the contrary, it is said that Count Cassini's services at Washington are highly valued and that no change is at present contemplated.

A number of months ago, however, change was believed to be impending. At Another well-remembered attempt to hange the prevailing fashion in mascumuch talk of his transfer to Madrid, and of Baron de Rosen going to Washington; but, since then, the whole question has been in abeyance, and it is regarded as entirely unlikely that the government would agree to Count Cassini's transfer at any event till after peace is concluded, as important negotiations might be conducted

through Washington, in which the count could render great assistance, Count Cassini's position at Washington is in no wise involved in the question of his ultimate transfer, the United States having at one time taken pains to officially notify the Russian government that the storie then industriously circulated of friction be tween the ambassador and Secretary Hay were not only untrue, but that Count Cas-

sini was entirely acceptable to the United

of the D. A. R. Present.

SONS OF THE REVOLUTION. Excursion to Annapolis Today-Ladies

Special Dispatch to The Evening ttar. ANNAPOLIS, Md., April 19,-Members of the Society of the Sons of Revolution to the number of 265, arrived here on a special train from Washington this morning. The accompanying party embraced many ladies of the D. A. R. Congress. At 3:50 in honor of the society, a special drill will be held at the Naval Academy, the feature of which will be the presentation to the brigade of midshipmen of a silver trophy cup, on which is to be inscribed annually the name of the midshipman most proficient in great gun target practice. All officers of the academy will assist in a reception to the society at 3:30 this evening in front of the superintendent's house. Vachel S. Dadds, sixty years old, dropped dead this morning while shaving at his home on Charles street. A widow, one son and daughter survive. He was fireman at the power house, Naval Academy, and a member of No. 2 Independent Fire Com-

CARNEGIE'S NIECE MARRIED.

Secretly Wedded About a Year Ago to

a Riding Master.

NEW YORK, April 19.-It became known today that Andrew Carnegie's niece Nancy was secretly married about a year ago to a riding master named Heaver, whom she met at Newport. The story was confirmed by Mr. Carnegie. "My niece was married to Mr. Heaver in New York about a year ago," he said. "Mr. Heaver was a riding teacher in the family. The family has no objection to the match. Mr. Heaver is an honest, upright young man. I would rather Nancy had married a poor, honest man than a worthless duke. We want no rich men in the family."

Mr. Carnegie said that Mr. and Mrs. Heaver went to Europe immediately after their marriage. They returned a few days ago and are now on a visit to New England.

THE NEW ULM MURDER. Second Trial of Dr. Koch Opened at

Mankato. MANKATO, Minn., April 19.-Dr. George Koch, a dentist of New Ulm, Minn., who has once been tried on a charge of murdering Dr. L. A. Gebhart, another New Illm dentist, last November, was again placed on trial today. The case is in progress in the district court here before Judge Gravs

At the former trial the jury disagreed and a change of venue was secured on the ground that local prejudice in New Ulm interfered with a fair trial.

Dr. Gebhart was murdered in his offic early in the evening of November 1. His skull was crushed with a hammer, which the state claims belonged on the Koch homestead, and his throat was slashed with

a knife. During the funeral services over Dr. Gebhart's remains Dr. Koch sang in the choir.